

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

JOHNNY W. WATKINS

PLAINTIFF

VERSUS

CIVIL ACTION NO.: 3:19-cv-232-DPJ-FKB

VIVINT, INC., ET AL.

DEFENDANTS

**RULE 16(a) INITIAL ORDER**

The above-captioned cause is set for a **TELEPHONIC CASE MANAGEMENT CONFERENCE (TCMC)** on **May 22, 2019**, at **2:30 p.m.** before:

United States Magistrate Judge F. Keith Ball  
Thad Cochran United States Courthouse  
501 E. Court Street, Suite 5.150  
Jackson, MS 39201

[ball\\_chambers@mssd.uscourts.gov](mailto:ball_chambers@mssd.uscourts.gov)

Telephone Number to use for TCMC: 601-608-4460

**UNLESS OTHERWISE AGREED, IT SHALL BE THE RESPONSIBILITY OF COUNSEL FOR THE PLAINTIFF TO SET UP THE CONFERENCE CALL AT THE SCHEDULED TIME. IN CASES INVOLVING A *PRO SE* PLAINTIFF, IT SHALL BE THE RESPONSIBILITY OF COUNSEL FOR THE DEFENDANT TO SET UP THE CONFERENCE CALL AT THE SCHEDULED TIME.**

**PLEASE NOTE: THE COURT DOES NOT ACCEPT CALL-IN INSTRUCTIONS. ARRANGEMENTS SHOULD BE MADE TO HAVE ALL ATTORNEYS ON THE TELEPHONE AND THEN A CALL SHALL BE PLACED TO THE JUDGE.**

**CONFERENCE OF THE PARTIES**

No later than twenty-one (21) days prior to the TCMC, counsel and any unrepresented parties shall confer by telephone or in person regarding all matters set forth in L.U.Civ.R. 26(f). The Local Uniform Civil Rules are available on the Court web site at [www.mssd.uscourts.gov](http://www.mssd.uscourts.gov). Counsel and all unrepresented parties are jointly responsible for arranging this conference of the parties and attempting in good faith to agree on a proposed Case Management Order. A Case Management Order form is available on the Court web site and as Form No. 1 in the Local Uniform Civil Rules. No later than seven (7) days prior to the TCMC, a proposed Case Management Order shall be submitted via e-mail to [ball\\_chambers@mssd.uscourts.gov](mailto:ball_chambers@mssd.uscourts.gov). Counsel and any unrepresented parties shall be prepared to discuss all provisions and make any special requests for provisions of the Case Management Order at the TCMC.

### **CONFIDENTIAL SETTLEMENT MEMORANDA**

SEVEN (7) DAYS PRIOR TO THE TCMC, counsel shall submit via e-mail a confidential memorandum (3 page maximum) setting forth a brief explanation of the case and a candid appraisal of the respective positions, including possible settlement figures, to ball\_chambers@mssd.uscourts.gov. Please DO NOT mail a separate copy. (PRO SE persons must MAIL their memos instead of using the e-mail address.) Counsel will also furnish in their memorandum a good faith estimate of the expense of carrying the litigation through trial and the appellate process, if not settled, and will have discussed these costs with their respective clients. These memoranda are **not** to be exchanged and will be viewed only by the Court. Further, these memoranda shall **not** be filed with the Clerk of Court; will **not** become a part of the record; and will be destroyed upon the resolution of the case.

### **CASE MANAGEMENT PLAN**

At the TCMC, the Court and the parties shall:

1. Identify the principal factual and legal issues in dispute;
2. Identify the alternative dispute resolution procedure which counsel intend to use, or report specifically why no such procedure would assist in the resolution of the case;
3. Indicate whether all parties consent to jurisdiction by a magistrate judge;
4. Review the parties' compliance with their disclosure obligations and consider whether to order additional disclosures;
5. Determine whether to order early filing of any motions that might significantly affect the scope of discovery or other aspects of the litigation, and provide for the staged resolution, or bifurcation of issues for trial consistent with 42(b) Fed.R.Civ.P.;
6. Determine the plan for at least the first stage of discovery; impose limitations on each discovery tool, time periods and other appropriate matters;
7. Determine the date for the Local Rule 26(g) settlement conference or mediation;
8. Discuss scheduling and set appropriate scheduling deadlines including dates for a settlement conference, completion of discovery, motions, the final pretrial conference and trial. The parties should be prepared to discuss prior conflicts with the trial date; and
9. Verify that counsel are registered for electronic document filing and are familiar with the Administrative Procedures for Electronic Filing.

### **CASE MANAGEMENT ORDER**

A Case Management Order shall be entered by the Court within ten (10) days of the TCMC.

*/s/ F. Keith Ball*

UNITED STATES MAGISTRATE JUDGE